

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

# County of Allegheny

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Randee A. Gilliam  
NEOCC No. 33547-068  
2240 Hubbard Road  
Youngstown, Ohio 44505

October 3, 2014

In re: Open Records Appeal

Dear Mr. Gilliam:

I am the Open Records Appeals Officer for the District Attorney of Allegheny County. On October 1, 2014 I received from you an appeal of a denial of a Right To Know Request. That denial was from the Department of Administrative Services, Allegheny County, Mr. Jerry Tyskiewicz, Open Records Officer. In your request you were seeking:

1. Records of all search warrants, affidavits of probable cause, and return of inventory forms filed, applied for, prepared, and/or served by the Allegheny County Police Department and/or its officers involving the name Randee A. Gilliam, specifically but not limited to anytime during October of 2011 by the Allegheny County Police officer and warrant affiant Steve Dawkins. Related to Western District of Pennsylvania Case number 2:12-cr-00093 (NBF)[.]

Mr. Tyskiewicz denied your request pursuant to "Section 708(b)(16)(vi)(A) of the RTK law."

As you know, 65 P.S. §67.708 (a)(16) exempts from disclosure:

(16) A record of an agency relating to or resulting in a criminal investigation, including:

\* \* \* \*

(vi) A record that, if disclosed, would do any of the following:

- (A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.

It doesn't matter that the investigation may have been turned over to the federal government for prosecution. As a result, I must decline your request. Please be advised that pursuant to Section 1302 you have 30 days to appeal my decision to the Court of Common Pleas of Allegheny County.

Very truly yours,

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Michael W. Streily  
Deputy District Attorney  
Open Records Appeals Officer

cc: Jerry Tsykiewicz, Open Records Officer